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MEMO ENDORSED

## UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF NEW YORK

USDC SDNY DOCUMENT ELECTRONICALLY FILED DATE FILED:

SECURITIES	$\Delta ND$	EXCHANGE	COMMISSION

NOTICE OF MOTION

Plaintiff,

**ECF** Case

- against -

No. 21 Civ. 237 (VEC)

ERIC C MALLEY and MG CAPITAL MANAGEMENT LP,

Defendants.

PLEASE TAKE NOTICE that upon the Complaint in the above-captioned action; the complaint in criminal case *United States v. Eric Malley*, 21 Mag. 304; and the accompanying memorandum of law, the United States of America, by its attorney Audrey Strauss, United States Attorney for the Southern District of New York, hereby moves this Court under Rule 24 of the Federal Rules of Civil Procedure, for an order authorizing intervention by the United States and staying civil proceedings until the conclusion of the parallel criminal case, *United States v. Eric* 

Malley, 21 Mag. 304, and for such other relief as the Court deems just and proper.

Dated: New York, New York February 25, 2021

Respectfully submitted,

AUDREY STRAUSS United States Attorney

By: <u>/s/</u>

Elizabeth Hanft Assistant United States Attorney One Saint Andrew's Plaza New York, New York 10007 Telephone: (212) 637-2334

The Government's motion to intervene is GRANTED. This case is STAYED pending either a guilty plea or verdict in the parallel criminal case, *United States v. Eric Malley*, 21 Mag. 304. The Government is directed to provide quarterly updates on the status of Mr. Malley's criminal case, with the first one due on **April 1, 2021.** 

SO ORDERED.

HON. VALERIE CAPRONI

UNITED STATES DISTRICT JUDGE